

(371)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CIF LICENSING, LLC, d/b/a  
GE LICENSING,

Plaintiff,

v.

AGERE SYSTEMS INC.,

Defendant.

REDACTED

C.A. No. 07-170 (JJF)

**VERDICT FORM**

We, the jury, unanimously find as follows:

**QUESTION 1: INFRINGEMENT**

1. Do you find that GE has proven, by a preponderance of the evidence, that Agere has directly or indirectly infringed any of the following patent claims?

*A "YES" answer is a finding for GE.*

*A "NO" answer is a finding for Agere.*

'054 Patent				
Claim No.	Direct		Indirect	
	Yes	No	Yes	No
1	✓			✓
12	✓			✓
46	✓			✓

'641 Patent				
Claim No.	Direct		Indirect	
	Yes	No	Yes	No
1	✓			✓
3	✓			✓
5	✓			✓
7	✓			✓

'758 Patent				
Claim No.	Direct		Indirect	
	Yes	No	Yes	No
1	✓			✓
26	✓			✓
36	✓			✓

'776 Patent				
Claim No.	Direct		Indirect	
	Yes	No	Yes	No
1	✓		✓	
9	✓		✓	
30	✓		✓	

**QUESTION 2: ANTICIPATION**

2. Has Agere proven, by clear and convincing evidence, that any of the following patent claims is invalid because it is anticipated by a single prior art reference?

*Place a check mark in the appropriate space.*

*A "YES" answer is a finding for Agere.*

*A "NO" answer is a finding for GE.*

Patent/Claim	Yes	No
'054 Patent		
Claim 1	✓	
Claim 12	✓	
Claim 46	✓	
'758 Patent		
Claim 1	✓	
Claim 26	✓	
Claim 36	✓	

**QUESTION 3: OBVIOUSNESS**

3. Has Agere proven by clear and convincing evidence that of the following patent claims is invalid because it would have been obvious to a person of ordinary skill in the art at the time of the invention?

*Place a check mark in the appropriate space.*

*A "YES" answer is a finding for Agere.*

*A "NO" answer is a finding for GE.*

Patent/Claim	Yes	No
<b>'054 Patent</b>		
Claim 1	/	
Claim 12	/	
Claim 46	/	
<b>'758 Patent</b>		
Claim 1	/	
Claim 26	/	
Claim 36	/	
<b>'776 Patent</b>		
Claim 1	/	
Claim 9	/	
Claim 30	/	

Answer the following questions if you have found at least one claim to be infringed and valid.

**QUESTION 4: WILLFULNESS**

4. Do you find that GE has proven, by clear and convincing evidence, that Agere's infringement was willful? [Answer only for patents, if any, for which you found infringement in Question 1.]

*A "YES" answer is a finding for GE.*

*A "NO" answer is a finding for Agere.*

Patent/Claim	Yes	No
'054 Patent		✓
'641 Patent	✓	
'758 Patent		✓
'776 Patent	✓	

**QUESTION 5: DAMAGES**

- 5(a). What reasonable royalty rate, if any, has GE proven, by a preponderance of the evidence, it is entitled to receive from Agere for hardware modems?

Answer: 13.5

- 5(b). What reasonable royalty rate, if any, has GE proven, by a preponderance of the evidence, it is entitled to receive from Agere for software modems (also called softmodems)?

Answer: 4.5

- 5(c). What are the total damages (no less than a reasonable royalty) that GE has shown by a preponderance of the evidence for Agere's infringement?

\$ 7,600,000

Each juror must sign the verdict form to reflect that a unanimous verdict has been reached.

<u>2-17-2009</u>	<u>1</u>	
Date	C. A.	Jury Foreperson
_____	_____	
_____	_____	
_____	G	
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